

SENATE BILL 407

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E4

1998 Regular Session
(8lr2165)

ENROLLED BILL
-- Judicial Proceedings/Environmental Matters --

Introduced by **Senator Haines**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Care of Mistreated Animals - Accompanying Veterinarians**

3 FOR the purpose of allowing licensed veterinarians of the State to accompany police
4 officers, animal humane society officials, and certain public officials when
5 entering any place where certain animals are impounded or confined, in order to
6 care for or remove the animals, without being held liable for the entry.

7 BY repealing and reenacting, with amendments,
8 Article 27 - Crimes and Punishments
9 Section 67
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1997 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

1

Article 27 - Crimes and Punishments

2 67.

3 If the owner or custodian of an animal is convicted of any act of animal cruelty,
4 the judge may use his own discretion in ordering the removal of that animal or
5 animals for their protection at the time of conviction. Whenever it becomes necessary,
6 in order to protect any animal from neglect or cruelty, any officer or authorized agent
7 of an animal humane society or any police officer or other public officials charged with
8 the protection of animals may take possession of it, except that animals in the
9 possession of medical and scientific research facilities may not be removed therefrom
10 without the prior review and recommendation of the Department of Health and
11 Mental Hygiene, Division of Veterinary Medicine. The Department of Health and
12 Mental Hygiene shall conduct an investigation within 24 hours of the receipt of a
13 complaint and shall, within 24 hours of the investigation, report to the State's
14 Attorney of the county in which the facilities are situated. If an animal is impounded,
15 yarded or confined and continues without necessary food, water or proper attention,
16 or is cruelly treated or neglected, any officer or authorized agent of an animal humane
17 society or any police officer or other public officials charged with the protection of
18 animals, OR ANY INVITED AND ACCOMPANYING LICENSED VETERINARIAN OF THE
19 STATE ASKED TO ACCOMPANY THEM, may enter into and upon any place in which the
20 animal is impounded, yarded or confined and supply it with necessary food, water and
21 attention so long as it there remains, or, if necessary, for the health of the animal, may
22 remove the animal, and not be liable to any action for that entry. In all cases the
23 owner or custodian of that animal shall be notified of that action and any
24 administrative remedies which may be available by the person taking possession of
25 the animal. The owner or custodian may file within ten days, if no administrative
26 remedy is available, a petition for return of the animal in the District Court of the
27 county in which the removal occurred. If the owner or custodian is notified and fails to
28 file the petition within the time prescribed, or if the owner or custodian is unknown
29 and cannot with reasonable effort be ascertained for a period of 20 days, the animal
30 shall be held to be an estray and be dealt with as such, provided, however, that
31 nothing in this section shall be construed as permitting the entry into a private
32 dwelling or as permitting the taking of a farm animal without prior recommendation
33 of a licensed veterinarian OF THE STATE. In Baltimore County, the provisions of this
34 section shall be enforced by the Baltimore County Bureau of Animal Control or by an
35 organization approved by the Baltimore County government.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October 1, 1998.

